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EXAMINER

KEEFE, MICHAEL E

ART UNIT

PAPER NUMBER

2154

NOTIFICATION DATE

DELIVERY MODE

06/13/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/759,475

**Applicant(s)**

COLLIER ET AL.

**Examiner**

MICHAEL E. KEEFER

**Art Unit**

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is responsive to the Amendment filed 1/31/2008.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the newly amended part of claims 1 and 7 "wherein computer specific operating system information ... is encoded in the URL". The specification does not support the firmware encoding computer specific operating system information into the URL, as the specification teaches gaining that information by reading the http headers used when the system accesses the URL.

#### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell (US 2002/0147795) in view of Minolta (JP2001117835 A, Derwent abstract, PAJ Translation also provided), further in view of Williams et al. (US 2002/0129353), hereafter Williams and further in view of Hui (US 2003/0220983).

Regarding **claim 1**, Cantwell discloses:

A system comprising:

a personal computer comprising a web browser that provides communication between the personal computer and the Internet; and (Fig. 1, Computer 4)

a peripheral device coupled to the personal computer, that comprises a device driver 25, and (Fig. 1, 8, 10, 12, are all peripheral devices)

a uniform resource locator (URL) that identifies and is used to direct the web browser to a location on the Internet where appropriate driver software is located and available for downloading and installation on the personal computer; ([0015] discloses a URL to a driver website)

and wherein, when the peripheral device is connected to the personal computer, the URL launches a browser on the personal computer which is directed to the Internet location containing the driver software, automatically downloads the driver software to the personal computer, and automatically launches and installs the downloaded driver software on the personal computer without user interaction. ([0015] (following a URL to the driver website), [0019] "At the website the browser downloads and executes executable code. ... The executable code installs any required software to the client.", [0020] The information about the device ... may be passed from the browser to the executable code.", [0022] automatically selecting a driver, [0023] automatically downloading and installing/configuring the driver.)

Regarding **claim 2 as applied to claim 1**, see Fig. 1, printer 8.

Regarding **claim 3 as applied to claim 1**, see Fig. 1, scanner 10.

Regarding **claim 6 as applied to claim 1**, see Fig. 1, intranet connection 14.

Cantwell discloses all the limitations of claims 1-3 and 6 except for the URL being stored in the firmware of the peripheral.

The general concept of storing a URL to a device driver in the firmware of a peripheral device is well known in the art as taught by Minolta. ("The flash ROM stores the URL of driver software that is required to control printer.", see Derwent Abstract)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cantwell with the general concept of storing a URL to a device driver in the firmware of a peripheral device as taught by Minolta in order to stop users from having to search for an appropriate URL to find device drivers since it is resident in the peripheral device itself.

Cantwell and Minolta teach all the limitations of claims 1-3 and 6 except for having information about the device being part of the URL.

The general concept of including device model information in a URL for gaining device drivers is well known in the art as taught by Williams. (see [0044]-[0045] which teach using a filename to identify the type of device the driver is for, the file name being inherently part of a url to retrieve said driver.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cantwell and Minolta with the general concept of

including device model information in a URL for gaining device drivers as taught by Williams in order to make the system more efficient.

Cantwell, Minolta and Williams teach all the limitations of claims 1-3 and 6 except for periodically checking the url for updates.

The general concept of checking a URL for driver updates on a periodic basis is well known in the art as taught by Hui. (See [0005] which teaches periodically checking a URL for updates)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cantwell, Minolta and Williams with the general concept of checking a URL for driver updates on a periodic basis as taught by Hui in order to make sure that drivers are up to date.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell, Minolta, Williams, and Hui as applied to claim 1 above, and further in view of Anderson et al. (US 7222357), hereafter Anderson.

Cantwell, Minolta, Williams, and Hui teach all the limitations of claim 4 except that the peripheral is a camera.

Anderson teaches cameras attached to a network, see Fig. 7.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cantwell and Minolta with the camera network of Anderson in order to allow users to easily download drivers for a camera they connect to via the internet.

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7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell, Minolta, Williams, and Hui as applied to claim 1 above, and further in view of Koss (US 2002/0112037).

Cantwell, Minolta, Williams, and Hui teach all the limitations of claim 5 except that the peripheral is a plotter.

The general concept of having a plotter on a network is well known in the art as taught by Koss. [0004]

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cantwell and Minolta with the general concept of having a plotter on a network as taught by Koss in order to allow plotters to also to distribute their drivers as do printers.

8. Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell in view of Minolta in view of Williams, in view of Hui, and in further view of Shaefer (US 2001/0053977).

Regarding **claim 7**, Cantwell discloses:

A method for use with a system comprising a peripheral device and a personal computer having a browser that provides communication, the method comprising the steps of:

a uniform resource locator (URL) to an Internet location where appropriate device drivers for the peripheral device are made available for downloading; ([0015] discloses a URL to a driver website)

using the URL and the web browser to automatically connect the personal computer to the Internet location holding the device drivers; ([0015] discloses a URL to a driver website)

automatically connecting the personal computer to the Internet location holding the device drivers using the URL and the web browser; downloading a driver installation package containing a device driver for the peripheral device from the Internet site to the personal computer using the web browser that is appropriate to the personal computer and its operating system and that is capable of implementing a driver installation process without the user specifying any option selections; and automatically initiating the driver installation process upon receipt of the driver installation package to install the device driver for the peripheral device on the personal computer. ([0015] (following a URL to the driver website), [0019] "At the website the browser downloads and executes executable code. ... The executable code installs any required software to the client.", [0020] The information about the device ... may be passed from the browser to the executable code.", [0022] automatically selecting a driver, [0023] automatically downloading and installing/configuring the driver.)

Regarding **claims 8-9 as applied to claim 7**, Cantwell discloses:

It is an inherent property of an installation process for drivers to notify a user that the installation is complete.

Regarding **claim 10 as applied to claim 7**, Cantwell discloses:



The step of accessing the URL comprises the step of using low-level commands. ([0017] discloses directly browsing to the website.)

Regarding **claim 11 as applied to claim 7**, Cantwell discloses:

The step of accessing the URL comprises the step of providing high level access via an embedded web server in the peripheral device capable of serving its own web pages. ([0015] discloses the device hosting its own website having the URL within it.)

Regarding **claim 12 as applied to claim 7**, see Fig. 1, printer 8.

Regarding **claim 13 as applied to claim 7**, see Fig. 1, scanner 10.

Cantwell discloses all the limitations of claims 7-13 except for the URL being stored in the firmware of the peripheral.

The general concept of storing a URL to a device driver in the firmware of a peripheral device is well known in the art as taught by Minolta. ("The flash ROM stores the URL of driver software that is required to control printer.", see Derwent Abstract)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cantwell with the general concept of storing a URL to a device driver in the firmware of a peripheral device as taught by Minolta in order to stop users from having to search for an appropriate URL to find device drivers since it is resident in the peripheral device itself.

Cantwell and Minolta teach all the limitations of claims 7-13 except for having information about the device being part of the URL.

The general concept of including device model information in a URL for gaining device drivers is well known in the art as taught by Williams. (see [0044]-[0045] which teach using a filename to identify the type of device the driver is for, the file name being inherently part of a url to retrieve said driver.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cantwell and Minolta with the general concept of including device model information in a URL for gaining device drivers as taught by Williams in order to make the system more efficient.

Cantwell, Minolta and Williams teach all the limitations of claims 7-13 except for periodically checking the url for updates.

The general concept of checking a URL for driver updates on a periodic basis is well known in the art as taught by Hui. (See [0005] which teaches periodically checking a URL for updates)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cantwell, Minolta and Williams with the general concept of checking a URL for driver updates on a periodic basis as taught by Hui in order to make sure that drivers are up to date.

Cantwell, Minolta, Williams, and Hui teach all the limitations of claims 7-13 except for communicating information regarding the personal computer and its operating system to the Internet location using the web browser.

The general concept of using network headers to determine information regarding a personal computer and its operating system is well known in the art as taught by Shaefer. ([0016])

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cantwell, Minolta, Williams and Hui with the general concept of using network headers to determine information regarding a personal computer and its operating system as taught by Shaefer in order to eliminate user mistakes in identifying characteristics of the user's computer.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell, Minolta, Williams, Hui, and Shaefer as applied to claim 7 above, and further in view of Anderson et al. (US 7222357), hereafter Anderson.

Cantwell, Minolta, Williams, Hui, and Shaefer teach all the limitations of claim 4 except that the peripheral is a camera.

Anderson teaches cameras attached to a network, see Fig. 7.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cantwell, Minolta, Williams, Hui, and Shaefer with the camera network of Anderson in order to allow users to easily download drivers for a camera they connect to via the internet.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell, Minolta, Williams, Hui, and Shaefer as applied to claim 7 above, and further in view of Koss (US 2002/0112037).

Cantwell, Minolta, Williams, Hui, and Shaefer teach all the limitations of claim 5 except that the peripheral is a plotter.

The general concept of having a plotter on a network is well known in the art as taught by Koss. [0004]

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cantwell, Minolta, and Shaefer with the general concept of having a plotter on a network as taught by Koss in order to allow plotters to also to distribute their drivers as do printers.

### ***Response to Arguments***

11. Applicant's arguments filed 1/31/2008 have been fully considered but they are not persuasive.

12. In response to applicant's argument that applicant's claims use the URL to 'specifically tailor the driver software to be downloaded' instead of "eliminating mistakes in identifying characteristics of the user's computer", the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL E. KEEFER whose telephone number is (571)270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 6/5/2008

/Joseph E. Avellino/

Primary Examiner, Art Unit 2146